

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Board of Barbering and Cosmetology (hereinafter referred to as "The Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the following date, time and location:

June 13, 2011

10:00 a.m.

Board of Barbering and Cosmetology
Sequoia Room
2420 Del Paso Road
Sacramento, California 95834

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under the contact person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on **June 13, 2011** or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference

Pursuant to the authority vested by Sections 7312 and 7340 of the Business and Professions Code, and to implement, interpret or make specific Sections 139, 7338, and 7340 of said Code, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 932 of the California Code of Regulations

Business and Professions Code Sections 7312 and 7340 authorize the Board to administer and set standards for licensing examinations; Business and Professions Code Section 139 requires the Board of Barbering and Cosmetology (Board) to follow the policy of the Department of Consumer Affairs (DCA) for examination validation. The objective of this policy is to establish guidelines for the development and administration of job-related examinations. The DCA's Office of Professional Examination Services (OPES), formerly known as Office of Examination Resources, oversees these functions,

including providing services for examination development, occupational analysis, standard setting, and program review and evaluation.

This proposed rulemaking would amend Section 932 of Title 16 of the California Code of Regulations to implement the recommendation of DCA's OPES by changing the Board's method of establishing passing scores from aggregate scoring (in the case of the barber examination) and separate written/practical scoring (in the case of cosmetology, manicuring, esthetician and electrology) to a criterion-referenced scoring methodology for all examinations.

Under a criterion-referenced scoring methodology, passing scores would be determined for each examination by subject matter experts under the direction of OPES and the Board's examination contractor. The current scoring methodology doesn't take into account that licensing examinations may vary in difficulty from one administration to another, and that a fixed passing score may not represent the minimally acceptable competence for all administrations of an examination. The proposed criterion-referenced methodology will allow for the passing score to be lower for a more difficult examination and raised for a less difficult examination. This will be beneficial to students by leveling the playing field with regard to the examination, and also safeguard consumers, who depend on the examination to determine if an applicant for licensure has the minimum skills required to perform his or her trade effectively and safely.

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

None

Nondiscretionary Costs/Savings to Local Agencies:

None.

Local Mandate:

None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement:

None

Business Impact

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or

the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs:

None.

EFFECT ON SMALL BUSINESS

This proposal would have no effect on a small business establishment licensed by the Board unless that establishment was subject to disciplinary action.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Barbering and Cosmetology at 2420 Del Paso Rd., Suite 100, Sacramento, CA 95834.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Contact Person:

Backup Contact Person:

Name: Kevin Flanagan
Address: 2420 Del Paso Rd., Suite 100
Sacramento, CA. 95834
Telephone: (916) 575 – 7100
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Name: Kari Frank
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Web Site Access

Materials regarding this proposal can be found at www.barbercosmo.ca.gov